

Chapter 10b Unlawful Recording of a Motion Picture

Part 1 General Provisions

13-10b-101 Title.

This chapter is known as "Unlawful Recording of a Motion Picture."

Enacted by Chapter 159, 2007 General Session

13-10b-102 Definitions.

As used in this chapter:

- (1) "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of the motion picture by means of any technology.
- (2) "Motion picture theater" means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the commission of an offense under Section 13-10b-201.
- (3) "Owner or employee" means the owner or lessee of a motion picture theater, or the authorized agent or employee of the owner or lessee.

Enacted by Chapter 159, 2007 General Session

Part 2 Penalties

13-10b-201 Unlawful recording of a motion picture -- Penalties.

- (1) It is unlawful for any individual to knowingly operate the audiovisual recording function of any camcorder or similar device in a motion picture theater:
 - (a) while a motion picture is being exhibited; and
 - (b) without the consent of the motion picture theater owner or operator.
- (2)
 - (a) A violation of this section is a class A misdemeanor.
 - (b) A second or subsequent violation of this section is a third degree felony.

Enacted by Chapter 159, 2007 General Session

Part 3 Detention and Immunity

13-10b-301 Detention of suspect by owner or employee.

- (1) Any owner or employee who has probable cause to believe that an individual has unlawfully recorded a motion picture under Section 13-10b-201 may detain the individual, on or off the premises of the motion picture theater, in a reasonable manner and for a reasonable length of time to:

- (a) make reasonable inquiry as to whether the individual has in his possession a device that may reasonably be used in violation of Section 13-10b-201;
 - (b) request identification;
 - (c) verify the identification;
 - (d) make a reasonable request of the individual to place or keep in full view any device that the employer or employee has reason to believe the individual may have used in violation of Section 13-10b-201; and
 - (e)
 - (i) inform a peace officer of the detention of the individual and surrender that individual to the custody of a peace officer; or
 - (ii) in the case of a minor, inform a peace officer, the parents, or the legal guardian of this detention and to surrender custody of the minor to the responding individual.
- (2) An employer or employee may make a detention under Subsection (1) off the premises of the motion picture theater only if the detention is pursuant to the immediate pursuit of the individual that the employer or employee has reason to believe has violated Section 13-10b-201.

Enacted by Chapter 159, 2007 General Session

13-10b-302 Immunity of owner or employee who contacts law enforcement.

The owner or employee of a motion picture theater who advises a law enforcement agency of an alleged violation of this section is not liable in any civil action that arises out of detaining an individual under Section 13-10b-301 whom the owner or employee reasonably believes to have violated Section 13-10b-201, unless the plaintiff shows by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.

Enacted by Chapter 159, 2007 General Session

Part 4

Law Enforcement Actions

13-10b-401 Law enforcement functions exempt.

This part does not prohibit any lawful investigation or collection of evidence by a federal, state, or local law enforcement or investigative agency by means of any audiovisual recording device used in a motion picture theater as part of investigative, protective, or law enforcement functions.

Enacted by Chapter 159, 2007 General Session